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Via Electronic Mail Only

theresa.finger@sos.ca.gov

Theresa Finger
Special Projects Manager
Office of the Secretary of State
1500 11th Street, 6th Floor
Sacramento, CA 95814

Re: Proposed Regulations on Trustworthy Electronic Document or Record Preservation/
2 California Code of Regulations Sections 22620.1 Through 22620.8

Dear Ms. Finger and the Secretary of State:

The undersigned, on behalf of the Trusted Systems Committee of the County of Riverside, submits the following comments and/or inquiries to the Secretary of State ("Secretary") in the above-referenced matter:

1. Section 22620.4 of the proposed regulations states in part: "All existing electronic content management systems in place prior to the six months after the adoption of these regulations should be evaluated to the greatest extent technologically and procedurally possible, and **as soon as practicable secure all necessary local and/or state approvals** to meet the intent of Government Code section 12168.7 that electronic documents or records be stored in a trusted system as defined in these regulations." (Emphasis added.)

It is respectfully requested that the Secretary clarify what are the necessary approvals that an entity with an existing electronic content management system must obtain and the agency or agencies that are responsible for issuing such approvals.

2. Section 22620.7 of the proposed regulations states in part: "at least two (2) separate copies of the official document or record must be created on electronic media meeting all the conditions of a trusted system as identified in **section 5.3.3 Trusted system and legal considerations of 'AIIM ARP 1-2009...'**" (Emphasis added.)

Section 5.3.3 of AIIM ARP 1-2009 states in part: "The trusted document management system must be verifiable through **independent audit processes** ensuring that there is no plausible way for electronically stored information to be modified, altered, or deleted during the approved information lifecycle..." (Emphasis added.)

It is respectfully requested that the Secretary clarify the phrase "independent audit processes," namely whether an entity with a trusted document management system may form its own audit team to perform the audit or whether the audit must be performed by a separate entity. In addition, please advise as to how the independent audit processes relate, if at all, to the requirement for "local and/or state approvals" as set forth in Section 22620.4 of the proposed regulations.

3. Whether the Office of the Secretary of State or another State agency will provide training on trusted systems requirements, implementation and/or assessment prior to or after the effective date of the regulations.
4. It is respectfully requested that the Secretary correct a typographical error in Section 22620.8 of the proposed regulations, which reads in part: "the storing and recording of permanent and nonpermanent documents or records shall be maintained in a trusted system as defined in section **23070**, Trusted Storage of Official Electronic Documents or Records." (Emphasis added.) It is assumed that the reference to section "23070" is a holdover from a previous draft of the proposed regulations and should be corrected to reference section "22620.7".

Thank you for your time and consideration.

RESPECTFULLY SUBMITTED

On behalf of the Trusted Systems Committee of the County of Riverside,



Rebekah Marshall
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Riverside County